

## **EXHIBIT 1**

 **FILE COPY**

# BakerHostetler

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November 15, 2013

Heidi Hiles  
REDACTED

Bik Cheema  
direct dial: 212.589.4613  
bcheema@bakerlaw.com

Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC* ("BLMIS"), 08-1789 (BRL)

Dear Ms. Hiles,

We are counsel to Irving H. Picard, Trustee for the substantively consolidated Securities Investor Protection Act ("SIPA") liquidation proceedings of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We are writing to you regarding the objection, filed on January 5, 2010 in the aforementioned case (Docket Number 1172) in response to the Trustee's determination of claim number 000995.

On June 28, 2011, the Bankruptcy Court for the Southern District of New York issued a decision affirming the Trustee's denial of in excess of 1,400 claims that did not have accounts with BLMIS, but instead invested in certain funds (referred to as "feeder funds"). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, 454 B.R. 285, 292 (Bankr. S.D.N.Y. 2011), *aff'd sub nom, Aozora Bank Ltd. v. Sec. Investor Prot. Corp.*, 480 B.R. 117 (S.D.N.Y. 2012), *aff'd sub nom, Kruse v. Sec. Investor Prot. Corp. (In re Bernard L. Madoff Inv. Sec. LLC)*, 708 F.3d 422 (2d Cir. 2013). There were no petitions for *certiorari* to the Supreme Court of the United States. Copies of these decisions are enclosed herewith for your reference.

As the Trustee advised you in the Notice of Determination dated December 8, 2009, to which you objected, you did not invest directly with BLMIS and did not maintain a BLMIS account in your name. In order to resolve your claim objection, we require the following discovery, under the Federal Rules of Bankruptcy Procedure. Upon completion of discovery, the Trustee's staff will review all information submitted and the Trustee may initiate proceedings to resolve your claim objection where necessary. The Trustee has not obtained hearing dates for such future proceedings and such proceedings may take a significant amount of time given the review of voluminous discovery and is dependent on requesting such dates from the Bankruptcy Court. You

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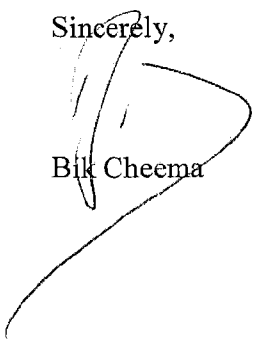
will be notified in advance of any hearing on your claim objection. **As part of this discovery, please provide the documents and information requested in Exhibits 1, 2, and 3, enclosed. For this purpose, references to "accountholder" mean Jennie Brett, and references to "account" mean BLMIS account number 1B0192.**

The aforementioned objection to the Trustee's determination of your claim was filed on your behalf by Ms. Helen Chaitman at the law firm of Phillips Nizer LLP. We have enclosed a courtesy copy of this objection with this letter. We have since been informed by both Phillips Nizer LLP and Becker & Poliakoff, LLP that neither is representing you regarding this discovery. This is why the Trustee is writing to you directly. The Trustee takes no position as to whether you should or should not be represented by counsel for purposes of your objection or the requests made in this letter.

To the extent that you do not participate in discovery, the Trustee's position will be that you may be barred in future claims objections proceedings. Whether you may participate in future claims proceedings on your claim objection will be left to the sound discretion of the Bankruptcy Court. In order for your claim objection to be processed, it is imperative that we receive your responses. Please send your responses to me at the address contained herein, within thirty-five (35) days of the date of this letter, by December 20, 2013.

If you intend to withdraw your objection, please contact me. For all other questions, please email [madoffclaimsdiscovery@bakerlaw.com](mailto:madoffclaimsdiscovery@bakerlaw.com). Any communication should include the question, the claim number and the email or U.S. mail address for the response. Someone will respond as promptly as possible.

Sincerely,



Bil Cheema

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**Exhibit 3: Requests for Admissions**

**Please respond with “admit” or “deny” to the following statements where applicable:**

1. Admit the BLMIS account that is the subject of your objection was not titled in your name.

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2. Admit you did not have an account in your name at BLMIS.

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3. Admit you never received correspondence directly from BLMIS.

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4. Admit you never deposited securities directly with BLMIS.

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5. Admit you never made a payment of cash directly to BLMIS for credit to an account in your name.

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6. Admit you never withdrew funds directly from BLMIS.

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7. Admit that any funds you received were transmitted to you from the accountholder.

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8. Admit you did not receive investment statements from BLMIS in your name.

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9. Admit you did not receive tax statements from BLMIS in your name.

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10. Admit you never entered into any contracts in your name with BLMIS.

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11. Admit your only relationship to BLMIS existed by way of your relationship to the accountholder.

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12. Admit you did not have any control, investment discretion or decision-making power over any investment assets at BLMIS.

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13. Admit any assets you entrusted for investment were transmitted to accountholder.

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**Exhibit 2: Interrogatories**

**Please answer the following questions:**

1. Identify each person who first introduced you to BLMIS by name, telephone number, address and affiliation to you.

THOMAS E Brett 718-263-0123  
125-10 Queens Boulevard  
Suite 311  
Kew Garden, NY 11415

2. Identify all documents concerning how you came to invest in the accountholder through which it invested in BLMIS, including how they learned of or became aware of the accountholder and how it came to invest.

NO Documentation money sent to Thomas Brett and  
Interest Checks PAID to me a letter was sent 12/10/08  
to inform me first money was invested with madoff.

3. Identify all documents that describe how you made investments or deposits in connection with the account, including, but not limited to, the process for making such investments or deposits, the person and/or entity to whom such investments or deposits were sent, and the method for making such investments or deposits.

Deposits were made through personal checks paid  
to Thomas Brett copy of BANK statements and checks enclosed.  
Thomas Brett sent quarterly interest statements of money first  
was invested with madoff.

4. Identify all documents that describe how payments were made to you in connection with the account, including, but not limited to, the process for requesting or receiving such payments and the person and/or entity to whom such requests were made or from whom such payments were received, and the method of receipt.

Thomas Brett sent quarterly interest checks to me



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5. Identify all documents concerning any other BLMIS account in which you allege to have a claim. For each BLMIS account in which you allege to have a claim, identify all person(s) who performed any due diligence or provided any advice, opinion, commentary, or analysis of BLMIS to you or on your behalf, and identify all documents that they reviewed before opening and investing in the account.

I have no claims with any BLMIS accounts other than through the Account holder Senirebret  
Acct # 130192

6. Identify all persons at BLMIS with whom you had any communications, and identify all documents concerning the substance of those communications, including which (if any) BLMIS account such communications related to.

I had no communications with any person at BLMIS nor did I have knowledge my money was invested with BLMIS until madoff arrest in 2008. I only communicated with Thoms Brett

7. Identify each person who had control over the accountholder and/or authority to exercise discretion with respect to the assets or investments of accountholder.

THOMAS Brett

8. Identify each person who received direct payments from BLMIS in connection with the account, and identify all documents concerning the method(s) by which such payments were made, including from whom such payments were sent.

thomas Brett received payments from BLMIS and distributed payments to me through quarterly statements  
thomas Brett sent payments to me

9. Identify each person associated with the accountholder who had a direct understanding or agreement with BLMIS with respect to the assets or investments of the accountholder.

thomas Brett

MCMDR\_00000180



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10. Identify all documents concerning meetings that a representative of you attended where an employee or representative of BLMIS was present, and identify all documents that describe the substance of the communications that occurred during each meeting.

I never had any meetings with any BLMIS representative or employee all discussions and correspondences were through Thomas Brett

11. Identify any and all banks where you hold or have held accounts from the date the BLMIS account you invested in was opened, through the present, and for each bank account, identify all documents evidencing the account number, the date the account was opened, and the date the account was closed.

SP Morgan Chase Acct Redacted 9/65

12. Identify any and all banks where the accountholder holds or has held accounts from the date the BLMIS account you invested in was opened, through the present, and for each bank account, identify all documents evidencing the account number, the date the account was opened, and the date the account was closed.

copies of checks written to Thomas Brett  
 Copies of statement reflecting checks  
 written to Thomas Brett  
 Quarterly statement sent to me from Thomas Brett

MCMDR\_00000181

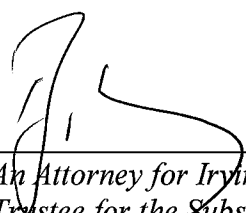


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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Requests for Production of Documents, Interrogatories, Requests for Admissions and accompanying letter relating to the objection to the Trustee's determination of claim number 000995 (Case No. 08-01789, Docket No. 1172) was served this 15th day of November, 2013 by First Class Certified Mail upon the following:

Heidi Hiles  
REDACTED



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*An Attorney for Irving H. Picard,  
Trustee for the Substantively  
Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment  
Securities LLC and the Estate of  
Bernard L. Madoff*

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